A P P E X D I X A

(Excerpts from the Official Record in the Superior Court of Hall County, Georgia).

IN THE SUPERIOR COURT
FOR THE COUNTY OF HALL
STATE OF GEORGIA

STATE OF GEORGIA, Plaintiff

VS

KEITH FAIR, Defendant

CASE NO. 45668

PETITION TO ENTER PLEA OF GUILTY

I, the above named defendant, hereby state to the Court that I wish to enter a plea of GUILTY to the above numbered indictment.

In connection with that plea of GUILTY, I inform the Court that the answers to the following questions are true:

1. What is your name? KEITH FAIR
2. What is your age? 28
3. How much education have you had? 7th grade

4. Are you able to read and write?	Yes ✓	No
5. Are you now under the influence of any alcohol, intoxicants or any drugs?	Yes	No ✓
6. To your knowledge, do you now suffer from any mental or emotional disability?	Yes	No ✓
7. Have you received a copy of the indictment in this case?	Yes ✓	No
8. Have you read it or had it read and explained to you?	Yes ✓	No
9. Do you fully understand the charges against you?	Yes ✓	No
10. Have you had enough time to talk with your lawyer about your case?	Yes ✓	No
11. Have you discussed your case fully and explained everything you know about it to your lawyer including all of the facts and circumstances surrounding any statement, confession or other evidence obtained from you by anyone?	Yes ✓	No
12. Has your lawyer advised you of the nature of the charges against you and any possible defenses you may have including the right to challenge the legality of any statement, confession or other evidence obtained or seized from you?	Yes ✓	No
13. Do you understand that you have a right to plead NOT GUILTY to every charge filed against you?	Yes ✓	No
14. Do you understand that if you plead NOT GUILTY you have a right to a speedy and public trial by a judge and jury?	Yes ✓	No
15. Do you understand that if you plead NOT GUILTY you have a right to confront, that is to see, hear, question and cross-examine the witnesses called to testify against you at trial?	Yes ✓	No
16. Do you understand that if you plead NOT GUILTY you have a right to use the subpoena power of the Court to require the attendance of any witnesses on your behalf, whether they want to come or not?	Yes ✓	No
17. Do you understand that if you plead NOT GUILTY you have the right to testify or not testify, as you choose, that you cannot be required to testify and that if you do not testify the jury cannot take that as evidence against you?	Yes ✓	No
18. Do you understand that if you plead NOT GUILTY you will be presumed to be innocent and that before you can be convicted the prosecution will have the duty of proving your guilt beyond a reasonable doubt?	Yes ✓	No
19. Do you understand that, in the event you were convicted in a trial, you would have the right to appeal your conviction?	Yes ✓	No
20. Do you understand that if you plead GUILTY you will have waived, that is, given up, each of the rights mentioned in questions 13 through 19?	Yes ✓	No
21. Do you realize that if you plead GUILTY the Court may impose the same punishment as if you had pleaded NOT GUILTY and been convicted?	Yes ✓	No
22. Do you know that the sentence you will receive is solely a matter for the judge to decide?	Yes ✓	No
23. Have you been advised of the maximum punishment provided by law for the offense or offenses to which you want to plead GUILTY?	Yes ✓	No

What is it? DEATH BY ELECTROCUTION

24. Do you realize that if you plead GUILTY the Court may sentence you to the maximum punishment authorized by law for the offense or offenses to which you plead GUILTY?	Yes ✓	No
25. If you are now on probation or parole, do you know that by pleading GUILTY here your probation or parole may be revoked and that you may be required to serve time in that case in addition to the sentence imposed upon you in this case?	Yes ✓	No
26. If you are now serving another sentence, do you know that the sentence in this case could be made to follow the sentence you are now serving?	Yes ✓	No
27. Has any person used any threats, force, pressure or intimidation to make you plead GUILTY?	Yes	No ✓
28. Has any promise been made by anyone which causes you to plead GUILTY?	Yes	No ✓
29. Has any person suggested to you or led you to believe that you will be placed on probation or be given a lighter sentence or otherwise rewarded for pleading GUILTY?	Yes	No ✓

If so, who made the suggestion and exactly what was suggested? N/A

30. Has any plea agreement been made by you with anyone which causes you to plead GUILTY?	Yes	No ✓

If so, exactly what is that agreement, as you understand it? N/A

31. Is your plea of GUILTY given voluntarily and of your free will and accord? Yes ✓ No ____.

32. Did you commit the unlawful acts set forth in the charge or charges to which you want to plead GUILTY? Yes ✓ No ____.

Specifically what unlawful acts did you commit? I SHOT JACKIE MORRIS

33. Has your lawyer gone over all these questions and your answers to them with you? Yes ✓ No ____.

34. Are you satisfied with your lawyer and the way he has represented you in the case? Yes ✓ No ____.

35. Do you understand all these questions? Yes ✓ No ____.

If not, which ones do you not understand? NO

36. Is there any other information or advice you want before you enter a plea of GUILTY? Yes ____ No ✓.

37. Do you understand that if you plead GUILTY the Court may place you under oath and ask you questions about the offense or offenses to which you have pleaded and the answers to these questions may later be used against you in a prosecution for perjury or false statement or in any proceedings challenging the entry of your plea? Yes ✓ No ____.

38. Do you now want to plead GUILTY? Yes ✓ No ____.

I, therefore, petition the Court to accept my plea of GUILTY.

This 13 day of AUGUST 19 79

X Ruth Jair
DEFENDANT

Sworn to and subscribed before me this 13 day of AUGUST 19 79

Michael R Casper
Notary Public

CERTIFICATE OF COUNSEL

I, as attorney for the defendant, hereby certify that:

1. I have read and fully explained to the defendant all of the charges contained in the indictment or information in this case.

2. I have explained and discussed with defendant the facts and elements of the case which the prosecution must prove and the defenses that may be available to the charge or charges.

3. I have explained to the defendant the maximum penalty provided by law for the offense or offenses to which the defendant offers a plea of guilty and the possible consequences of a plea of guilty.

4. The plea of guilty offered by the defendant to the charge or charges accords with my understanding of the facts the defendant has related to me, is consistent with my advice to the defendant, and in my opinion is voluntarily and understandably made.

5. To the best of my knowledge and belief the statements, representations and declarations made by the defendant in the foregoing petition are in all respects accurate and true.

6. I do not know of any reason why the Court should not accept the plea of guilty.

This 13 day of AUGUST 19 79

X George W. Bunson
Attorney for Defendant

Michael R Casper

ORDER

After examination by the Court, the Court ascertains, determines and adjudges, that the plea of guilty by the defendant is freely, understandingly and voluntarily made, and was made without undue influence, compulsion or duress, and without promise of leniency. It is, therefore, ordered that his plea of guilty be entered on the minutes, and that this Transcript and Certificate be filed with the (indictment) (Accusation).

This 14th day of Aug. 19 79

A. J. Hangon
JUDGE, SUPERIOR COURTS
NORTHEASTERN JUDICIAL CIRCUIT

RECORDED

FILED IN OFFICE
This 14th day of Aug., 1979
H. Grady Watson 10:40 A.M.
H. GRADY WATSON, Clerk

A P P E X D I X B

(Excerpts from Petitioner's guilty plea transcript).

IN THE SUPERIOR COURT OF HALL COUNTY

STATE OF GEORGIA

THE STATE

vs.

KEITH FAIR

CASE NO. K-45668

OFFENSE: Murder

DATE OF TRIAL - 14-16 August 1979

VOLUME 1 OF 2 VOLUMES
Pages 1 through 250

BEFORE THE HONORABLE A. R. KENYON, Judge presiding.....

FILED
HALL CO., GA.
'79 OCT -2 PM 3:31
H. GRADY WATSON
CLERK SUPERIOR COURT
BY

APPEARANCES:

FOR THE STATE: Mr. Roland Stroberg, Assistant District Attorney, Northeastern Judicial Circuit.

FOR THE DEFENDANT: Mr. George Brinson and Mr. Michael Casper , Attorneys at Law, Gainesville, Georgia.

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JOHN ATTAWAY.....	48-79	79-85	85-86		
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This Hearing came on to be had in the Superior Court of Hall County, Gainesville, Georgia at 9:30 a.m., 14 August 1979 before the Honorable A. R. Kenyon, Judge presiding.

THE COURT: You may call the next case for trial.

MR. STROBERG: Court please, I believe the Court stated that we would hear the Motions on Mr. Fair, the ones we have not heard.

THE COURT: Yes, sir. Yes, sir, all right, sir.

MR. BRINSON: Court please, there will be a guilty plea ~~in~~ this case.

THE COURT: Very well, sir. Bring the -- let the Defendant be brought in.

MR. STROBERG: Let me send for the Indictment.

THE COURT: Are there any Motions that need to be taken up before --

MR. CASPER: None before we dispose of this matter.

THE COURT: All right, sir.

MR. CASPER: There will be a few after.

(Pause).

MR. STROBERG: Court please, I believe before we get started we should inquire whether there are any jurors or prospective jurors in the courtroom?

THE COURT: I inquired earlier, Mr. Stroberg.

MR. STROBERG: Yes, sir, I see.

(Pause).

THE COURT: Are they bringing the Defendant?

MR. STROBERG: Yes, sir, they're arranging that now.

THE COURT: All right. Mr. Brinson, Mr. Casper, have you been over the petition to enter plea form with Mr. Pair?

MR. BRINSON: Yes, sir.

MR. CASPER: Yes, your Honor. Do you want that Petition now?

THE COURT: Yes, sir, if that's been completed. You have the Indictment Mr. Stroberg?

MR. CASPER: He has to initial that, the change.

MR. STROBERG: It's been changed.

THE COURT: I think he should sign it.

The Defendant entered the Courtroom at this time.

MR. CASPER: Your Honor -- ?

THE COURT: Yes, sir.

MR. CASPER: The Defendant states to me at this time that he wishes to speak with Counsel and have some additional questions answered, and we would ask for a short continuance at this time so we could confer with him.

THE COURT: Very well, sir, we'll take a ten minute recess. Court will be in recess for ten minutes.

The Court recessed at 9:40 a.m., 14 August, 1979 and later reconvened at 9:50 a.m., this same date.

MR. CASPER: We're ready to proceed if the Court please.

THE COURT: Very well. Has issue been joined on the Indictment?

MR. CASPER: Yes, sir. We need to initial the change in the Indictment. I believe the Court has that.

MR. STROBERG: I have it right here.

MR. CASPER: All right.

EXAMINATION OF THE DEFENDANT BY THE COURT:

Q. Your name is Keith Fair?

A. Yes, sir.

Q. Mr. Fair, can you hear me all right?

A. Yes, sir.

Q. Are you now under the influence of drugs or alcohol to any extent?

A. No, sir.

Q. Mr. Fair, how much formal school did you complete?

A. Seventh Grade.

Q. You're charged by an Indictment returned by the Grand Jury of this County with the Offense of Murder. The Indictment charges in the name and behalf of the Citizens of Georgia Keith Fair, referred to as the accused, with the offense of Murder, for that the accused on the 9th day of May, 1979 in Hall County did then and there unlawfully, feloniously, willfully of his malice aforethought and with force and arms kill and murder one Jackie

Morris, referred to as the victim, a human being in the peace of God and said state then and there being by shooting said victim with a pistol, which said accused then and there held and giving to the victim a mortal wound of which mortal wound the victim died all contrary to the Laws of this State. Now let me ask, have you had sufficient time to discuss this case with your Attorneys, Mr. Casper and Mr. Brinson?

A. Yes, sir.

Q. Is there anything you want to discuss with them further before we proceed with determination as to whether we can accept your plea?

A. No, sir.

Q. You've been over with them I'm advised a Petition to Enter a Plea of Guilty on which there appears some thirty-eight questions checked yes or no. I'll ask the Bailiff to Exhibit this to you and ask you to examine this Petition to Enter Plea of Guilty in this case and see if that is the form you went over with your Attorney, and if that is your signature on the backside?

A. Yes, sir.

Q. Did you go over that carefully with your Attorney?

A. Yes, sir.

Q. Did you answer those questions correctly yes or no?

A. Yes, sir.

Q. Is that your signature?

A. Yes, sir.

Q. Was this questionaire answered freely and voluntarily?

A. Yes, sir.

Q. Now the Court is required to go over things that your Attorneys have already been over with you so that I can satisfy myself directly from talking with you that you understand your rights in this matter and the affect of this proceeding, and that you are acting freely and voluntarily and not under threat or coercion of any kind. Your age is twenty-eight?

A. Yes, sir.

Q. Are you able to read and write?

A. Yes, sir.

Q. To your knowledge do you suffer from any mental or emotional disability?

A. No, sir.

Q. Have you received through your Attorneys a copy of the Indictment in this case?

A. Yes, sir.

Q. Have you read it or had it read to you and explained to you?

A. Yes, sir.

Q. Do you fully understand the charge against you in this case?

A. Yes, sir.

Q. Have you had sufficient time now to talk with your Attorneys concerning the charge and concerning your rights in this

trial?

A. Yes, sir.

Q. Have you discussed your case fully and explained everything you know about it to your Lawyer including all the facts and circumstances surrounding any statement, confession or other evidence obtained from you by anyone?

A. Yes, sir.

Q. Have your Lawyers advised you of the nature of the charges against you and any possible defenses you may have including the right to challenge the legality of any statement, confession or other evidence obtained or seized from you?

A. Yes, sir.

Q. Do you understand that you have a right to plead not guilty to the charge and to remain silent?

A. Yes, sir.

Q. Do you understand that if you plead not guilty you have a right to a speedy and public trial by a Judge and a Jury?

A. Yes, sir.

Q. Do you understand that if you plead not guilty you have the right to confront, that is, to see, hear, question and have cross-examined; questioned by your Lawyers the witnesses called by the State to testify against you?

A. Yes, sir.

Q. You understand that if you plead not guilty you have a right to use the subpoena power of this Court to require the

attendance of witnesses on your behalf whether they want to come to Court or not?

A. Yes, sir.

Q. Do you understand that if you plead not guilty you have the right to testify or not testify as you chose on the trial, that you cannot be required to testify, and that if you do not testify the Jury cannot take that as evidence against you?

A. Yes, sir.

Q. Do you understand that if you plead not guilty you will be presumed to be innocent, and that before you can be convicted the prosecution will have the duty of proving your guilt beyond a reasonable doubt?

A. Yes, sir.

Q. Do you understand that in the event you were convicted in a trial you would have the right to appeal your conviction?

A. Yes, sir.

Q. Do you understand that if you plead guilty you will have waived, that is, given up each of the rights mentioned in the questions that the Court has just asked you?

A. Yes, sir.

Q. Do you realize that if you plead guilty that this Court acting through me may impose the same punishment as if you pleaded not guilty and had been convicted?

A. Yes, sir.

Q. Do you know the sentence that you can receive as a

result of your verdict -- as a result of your plea of guilty in this case?

A. Yes, sir.

Q. Have you been advised by your Attorneys, and discussed with them, the fact that even though you enter a plea of guilty that the Court still has the authority to impose the death penalty in this case?

A. Yes, sir.

Q. Do you realize that if you plead guilty the Court may sentence you to the maximum punishment authorized by Law on the offense that you're charged with?

A. Yes, sir.

Q. Now has any person made any threat against you to influence you to enter your plea in this case?

A. No, sir.

Q. Has any person made any promise to you or convinced you that they were making a promise or that if you entered a plea they were guaranteeing that you would get some special treatment because of that plea?

A. No, sir.

Q. Has any person, your Attorneys or otherwise suggested to you, or represented to you that because of a plea of guilty that would result in your not getting the death penalty?

A. No, sir.

Q. Has there been any plea agreement made with you throu

your Attorneys, or between you and your Attorneys, or the District Attorney as to a sentence that might be imposed as a result of your plea of guilty?

A. No, sir.

Q. What do you understand, Mr. Fair, a plea of guilty to mean?

A. Pleading guilty, I done it and I want to plead guilty.

Q. Are you entering this plea freely and voluntarily?

A. Yes, sir.

Q. Did you commit the act set forth in the Indictment as read to you by the Court?

A. Yes, sir.

Q. Did you shoot Jackie Morris?

A. Yes, sir.

Q. Has -- have your Attorneys gone over all of questions that I've just asked you with you previously?

A. Yes, sir.

Q. Are you satisfied with the representation that you have had by your Attorneys Mr. Brinson, Mr. Casper?

A. Yes, sir.

Q. Is there any question you want to ask them, either privately, or now, or any question you want to ask me before we proceed further?

A. No, sir.

Q. Do you understand that if the Court accepts your

plea of guilty the Court may place you under oath and ask you questions about the offense, or offenses, to which you have pleaded and that the answers to these questions may later be used against you in a prosecution for perjury or false statement, or any proceedingchallenging the entry of your plea?

A. Yes, sir.

Q. Do you understand that any statements taken by the Investigating Officers in this case, unless they're taken in accordance with the requirements of Law and taken freely and voluntarily cannot be used against you?

A. Yes, sir.

Q. Do you now plead guilty to the charge as read to you by the Court?

A. Yes, sir.

Q. Have you discussed with your Attorneys what is necessary for the Court to prove the charge of murder?

A. Yes, sir.

Q. You understand the elements that the State has to prove to convict a person of murder?

A. Yes, sir.

Q. Is there any question you want to ask -- ask about this before we proceed further?

A. No, sir.

Q. You understand fully that you have a right to have both the question of guilt or innocence as well as the question of

punishment tried before a jury if you want it?

A. Yes, sir.

THE COURT: Are there any additional questions that Counsel, either for the State or the Defendant, would request the Court to ask?

MR. STROBERG: Court please, I believe on Friday or Thursday the Court discussed this matter with Mr. Brinson and myself and I am certain that this has been related to Mr. Fair, but of course the Court pursuant to both this case and the cases concerning the other co-defendants has made incamera inspections of the file here, if the Court Please, and wanted -- and of course the Court stated the Court would only consider the evidence that was admitted in the punishment phase but I think that we should make certain that Mr. Fair is aware of that.

EXAMINATION OF THE DEFENDANT BY THE COURT, Cont'd:

Q. Are you aware of the fact that the -- your Attorneys filed what's called a Motion to Require the State to Produce all evidence for them to inspect on your behalf that might be favorable to you?

A. Yes, sir.

Q. And are you aware that after the State did that your Attorneys also asked me as the presiding Judge in this case to go through the State's file to determine whether there was any other favorable evidence?

A. Yes, sir.

Q. Did your Attorneys provide for your inspection copies of numerous witnesses in this case?

A. Yes, sir.

Q. And copies of the autopsy report?

A. Yes, sir.

Q. Do you know of any witnesses that you have not seen statements of in connection with this case?

A. No, sir.

Q. Now I assume from the consideration of your Counsel that they have discussed with you their views as to what my views are as to capital punishment. Have they told you that I have stated in Court that I am not conscientiously opposed to capital punishment?

A. Yes, sir.

Q. Do you understand that so far as my conscientious scruples are concerned that if the evidence indicated it under the law that I would not because of conscience decline to impose the death penalty?

A. Yes, sir.

Q. And you still want to go ahead with your plea in this case?

A. Yes, sir.

Q. All right, would you just in a few words state what you did as to Jackie Morris. I don't need at this stage the whole background, we will go into that on the sentencing phase, but I

want you to state just what you did at the time of the shooting?

A. I shot Jackie Morris.

Q. What did you shoot him with?

A. A twenty-two pistol.

Q. And how many times did you shoot him?

A. Three.

Q. Where was he when you shot him?

A. He was standing beside the car.

Q. And where was that?

A. It was over on this dirt road.

Q. Was that in Hall County?

A. We had went down there to burn his car.

Q. And why did you do it?

A. I don't know, it just happened all of a sudden. We was pretty drunk and we had a little argument, and I don't know what happened.

Q. Where on his body or head did you shoot him?

A. I just -- I just shot him, I wasn't sure exactly where it was.

Q. And then how many times did you shoot him?

A. Three.

Q. And what did you do after you had shot him?

A. Went home.

Q. What did you do with Jackie Morris after you'd shot him?

A. Left him there.

Q. Left him where?

A. In his car.

Q. Was he in his car when you shot him?

A. No, sir.

Q. Who moved him into his car?

A. He and Dexter Thomas.

Q. When did you first talk with Mr. Brinson or Mr. Casper, do you recall about how long ago it was?

A. It was right after they was appointed to me.

THE COURT: Mr. Brinson or Mr. Casper can you assist the Court with the approximate date?

MR. BRINSON: Well, if the Court please, I was appointe on July the 13th, I believe it was July the 13th, and I spoke with him on that day, and then within a week thereafter.

THE COURT: And would you relate to the Court about how many times you and Mr. Casper and Mr. Fair had talked?

MR. BRINSON: We've made numerous trips both to the Forsyth County Jail and to the DeKalb County Jail, I would say at least five, at least five trips, and on each occasion the conferences generally lasted in excess of two and a half hours. There has been considerable discussion among all parties concerned. I would state for the record that the only time I've talked with the Defendant outside of the presence of Mr. Casper was the first time I spoke with him after I was appointed to represent him, that is

to say the first time I went to Forsyth County Jail I spoke with him as sole counsel. It was only after that time that Mr. Casper was appointed as co-counsel, and from that point forward each time we met with the Defendant we met together.

THE COURT: Have you been able to talk with him privately?

MR. BRINSON: Yes, sir. I would state that the authorities have been cooperative in that respect, we've had opportunities to meet in private without the presence of an Officer

THE COURT: Mr. Fair, do you agree with all that Mr. Brinson has just said?

DEFENDANT FAIR: Yes, sir.

THE COURT: Mr. Casper, do you have anything to add to this as to the conferences with Mr. Fair?

MR. CASPER: Your Honor, I would only add and state for the record that considerable time has been spent with Keith Fair in explaining to him the entire situation, from the details of what happened out there that night, the investigation of all the witnesses concerned, and there were some forty-two, consideration of any possible defenses that he might have to the charge, consideration of the framework of the trial, the bifercated, or two part process of the trial, first part to determine guilt or innocence, and the second part to determine punishment. I feel like, and I state for the record that I feel confident that Mr. Fair has, and I think I speak for Mr. Brinson, has spent considerab

time and ample time and I feel confident that Mr. Fair's plea that he is offering to the Court is being offered voluntarily and with full knowledge that each of the rights guaranteed to him under his right to a Jury Trial has been considered, considered many times, that he has been advised of the right of his opportunity to call witnesses on his behalf, to have us cross-examine witnesses that the State produced against him, the ability that he had to make a statement or not to have a statement made, and that if he did not make a statement then that fact could not be used against him. Of particular importance was the ability of Keith Fair to appeal a verdict of the Jury if he should wish to appeal, and explaining to him by entering this plea of guilty he's giving up all the rights or all the privileges granted to him by trial by Jury. There are many matters of course that we would offer to the Court, I don't think they're appropriate at this particular time, there are some additional matters concerning particular time spent, the number of hours, this type of thing that I would and Mr. Brinson would like to get on the record but again that's not the appropriate time at this point, but I will state for the record that I feel that every avenue has been discussed, every possibility discussed and that the decision has been keith Fair's.

THE COURT: Mr. Fair, would you disagree with or add to anything that Mr. Casper has just stated?

DEFENDANT FAIR: No, sir.

THE COURT: All right, let me state to you in simple

terms that I'm not unaware of course of the seriousness of this moment in your life. You are having to make a decision as to whether you will place your life in the hands of twelve people or whether you'll place it in the hands of one man. I want to be sure that you know what you're doing and that if you do this you're doing it freely and voluntarily and that you fully understand all of the rights involved. I'm going to take a brief recess, Counsel can advise the Court, we'll be in recess at least ten minutes, if you need more time you can have more time, but I want you to have an opportunity alone with your two Attorneys once again to consider whether you want to enter a plea of guilty. We'll be in recess now for ten minutes for that purpose.

The Court recessed at 10:20 a.m., 14 August 1979 and later reconvened at 10:32 a.m., this same date.

THE COURT: Counsel for the Defendant desire some additional time so we'll be in recess until they're ready.

The Court recessed at 10:33 a.m., 14 August 1979 and later reconvened at 10:45 a.m., this same date.

THE COURT: Have you discussed the matter with Mr. Fair?

MR. CASPER: Yes, your Honor, we have. We're ready to proceed.

THE COURT: Very well. The Court will accept the plea. You may be seated Mr. Fair.

MR. STROBERG: If the Court please, I assume that for

the purposes of the record I believe Mr. Fair should be asked after he came back --

THE COURT: Yes, sir.

MR. STROBERG: -- whether or not he desires to --

THE COURT: Mr. Fair, you may remain seated. You've now had additional time with your Attorneys, do you still want to go forward with your plea of guilty?

DEFENDANT FAIR: Yes, sir.

THE COURT: Very well, sir.

MR. STROBERG: I assume, if the Court please, the Court will mark filed with the Clerk at present the Petition to Enter the Plea of Guilty as well as the plea of guilty which has been entered on the back of the Indictment?

THE COURT: Yes, sir, I will do that. Now I'll hear from Counsel as to -- is there any contention on the part of the State that the question, the issue of punishment should be submitte to a Jury in this case?

MR. STROBERG: No, sir.

THE COURT: Is there any contention on the part of Defense Counsel that a Jury should be empaneled now to determine the question of punishment?

MR. BRINSON: No, sir.

THE COURT: The Court is now filing with the Clerk the written Petition to Enter Plea of Guilty in the State versus Keith Fair, 45668, signed by Mr. Fair and by his Attorneys and by

the Court, and also will file with the Clerk at this time the Indictment containing the Plea of Guilty by Mr. Fair. Are Counsel ready to proceed with the second phase of this matter, that is, the trial of the issue of punishment?

MR. CASPER: Your Honor, we would be ready to proceed if a few preliminary matters In Limine were taken up.

THE COURT: All right, sir, we'll take those -- is the State ready to proceed?

MR. STROBERG: Court please, this throws us approximately around a half a day off schedule, we of course can proceed. I do need -- I would need around thirty minutes to make some phone calls, ask the Court how long the Court plans to hold today, I have the Crime Lab People whom I want to use who are -- have been prepared to come at any time, and we anticipated the Jury coming in at eleven o'clock and getting them here later on this afternoon or maybe tomorrow morning. We -- if we could have about thirty minutes and an estimate on the Court of how far or how long the Court expects to run today then I can get lined up and be ready to go.

THE COURT: All right. Let's take up any preliminary Motions or matters that have to be disposed of before we proceed, and at the conclusion of that I will make some statement as to a schedule Counsel can anticipate.

MR. CASPER: Your Honor, I'll simply work through the Motions and address those Motions that I think are applicable in

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